

**DIVISION OF ENVIRONMENTAL HEALTH  
SOLID WASTE PROGRAM  
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**Certified Mail # 7001 2510 0002 7772 8007  
Return Receipt Requested**

March 27, 2002

Ms. Lanie Hughes, Environmental Coordinator  
Kenai Peninsula Borough  
Solid Waste Department  
47140 East Poppy Lane  
Soldotna, AK 99669

**Re: Port Graham Landfill – Solid Waste Permit No. 0223-BA000**

Dear Lanie:

The Department of Environmental Conservation has completed its evaluation of your Class III Solid Waste Disposal Permit for the Kenai Peninsula Borough, Port Graham Landfill (permit # 0223-BA000). The Department issues the enclosed permit in accordance with AS 46.03, 18 AAC 15, and 18 AAC 60. Please review the conditions and stipulations in the permit and ensure they are all understood. This permit is effective upon issuance and expires **March 27, 2007**.

The Kenai Peninsula Borough requested a waiver of the regulation that requires access control (18 AAC 60.220). You state that the Port Graham landfill will have limited access, but will not completely restrict access. Complete site control through the presence of a paid attendant, limited hours of operation and a locking gate would be too costly with little benefit. The proposed landfill expansion includes more perimeter fencing than the current site, surrounding a majority of the landfill, which should enhance operations; the landfill is generally well operated and maintained; has had few occurrences of uncontrolled dumping outside of the landfill area; and nuisance impacts have been minimal. Port Graham also has an extensive diversion program for hazardous waste, used oil, and batteries, which greatly reduces the risk of disposal of undesirable items.

The Department approves your waiver based on the information you provided, which adheres to the regulatory requirements of 18 AAC 60.900. This regulation requires you to demonstrate that the cost to comply with the requirements for access control would be significantly more than the value of public health risk reduction, environmental benefit, and nuisance avoidance than could be achieved through the

compliance with the access control requirements.

Kenai Peninsula Borough, Port Graham Landfill  
Solid Waste Permit No. 0223-BA000

Any person who disagrees with this decision may appeal the decision by requesting an adjudicatory hearing, using the procedures contained in 18 AAC 15.200-310. Hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 555 Cordova Street, Anchorage, Alaska 99501, within 30 days of receipt of this letter. If a hearing is not requested within 30 days, the right to appeal is waived and the decision becomes final. Even if an adjudicatory hearing has been requested and granted, all permit conditions remain in full force and effect. Please also send a copy of the request to the undersigned.

If you have any questions, please contact Jennifer Donnell in our Anchorage Office at 269-7642 or by email at [jennifer\\_donnell@envircon.state.ak.us](mailto:jennifer_donnell@envircon.state.ak.us).

Sincerely,

Leslie F. Simmons  
Solid Waste Program Coordinator  
Southcentral/Western Alaska

Enclosure: Permit No. 0223-BA000

**ALASKA DEPARTMENT  
OF  
ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL HEALTH  
555 Cordova Street  
Anchorage, Alaska 99501**

**KENAI PENINSULA BOROUGH, PORT GRAHAM LANDFILL  
CLASS III MUNICIPAL SOLID WASTE DISPOSAL PERMIT**

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Permit Number: **0223-BA000**

Date Issued: **March 27, 2002**

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This Solid Waste Disposal Permit is issued to the Kenai Peninsula Borough, Port Graham for the operation and maintenance of a Class III municipal solid waste landfill, located on the south side of Kachemak Bay. The legal description is: Section 32, Township 9 South, Range 15 West, Seward Meridian. Operation of this facility is subject to the conditions and stipulations contained in the permit. Modifications may be requested by the permit holder, but must be authorized in writing by the Solid Waste Program Coordinator.

This permit is issued under the provisions of Alaska Statute 46.03 and the Alaska Administrative Code, as amended or revised, and other applicable state laws and regulations.

This permit is effective upon issuance and expires **March 27, 2007**. It may be terminated or modified in accordance with AS 46.03.120. A renewal application must be received at least 30 days before the expiration date, or the facility must be closed by the expiration date.

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Leslie F. Simmons  
Solid Waste Program Coordinator  
Southcentral/Western Alaska

**KENAI PENINSULA BOROUGH LANDFILL  
MUNICIPAL SOLID WASTE LANDFILL FACILITY  
WASTE DISPOSAL PERMIT NUMBER 0223-BA000**

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## **I. APPLICATION COMPLIANCE**

- A. The Kenai Peninsula Borough, Port Graham Landfill, shall comply with the site design drawings and development plans submitted in the permit application, dated February 11, 2002, unless otherwise modified in this facility permit. In case of conflicting drawings or plans, the document dated last and closest to the date of permit issuance shall prevail.

## **II. SPECIFIC CONDITIONS**

### **A. SITE DEVELOPMENT**

The permit holder shall:

1. maintain at least a 10-foot separation distance between the bottom of any new disposal trench and the anticipated, and known seasonal high groundwater table level.
2. ensure that all waste disposal and storage areas at the landfill are sized to accommodate the waste volumes accepted at the site on a daily basis to prevent uncontrolled waste disposal.
3. grade the bottom of disposal trenches to promote drainage away from the working face.
4. maintain permanent markers, such as surveying benchmarks, from which the exact location of the facility and each closed portion can be determined.
5. maintain a minimum separation distance of 50 feet between the active placement of solid waste and the facility boundary.
6. ensure that surface water runoff from outside of the facility and around the waste management areas does not flow over, into, or through uncovered or covered solid waste by constructing diversion structures, berms, or ditches at the facility.
7. ensure that disposal area slopes are maintained to prevent erosion and to provide stability.
8. water quality violations are prohibited. Surface drainage pathways from the landfill disposal area must be kept to a minimum and managed to prevent erosion and water quality degradation.
9. facility drawings must be maintained and updated annually and a copy placed in the facility operating record.

10. erect and maintain the following sign(s) at the landfill:
  - a. at the facility entrance, install and maintain a readily visible sign(s) with the following information legibly printed:

**Facility Identification**  
**Owner/Operator Name**  
**Emergency Phone Numbers**

- b. erect and maintain readily visible signs as needed throughout the facility that will clearly and easily, direct the operators to each specific waste handling and disposal areas.

## **B. FACILITY OPERATIONS**

### **B.1 GENERAL**

The permit holder shall:

1. prohibit discharge of firearms at the facility.
2. prohibit scavenging and salvaging by the public in the active disposal cell of the landfill.
3. ensure that only domestic refuse, commercial refuse, inert construction and demolition debris, and other refuse that is acceptable for burning will be burned prior to disposal.
4. maintain on-site roads to assure easy user access to the facility at all times.
5. ensure that refuse is deposited in approved locations only. Dumping in unauthorized areas violates conditions of this permit, Alaska Statutes, and Administrative Codes.
6. prevent the excessive accumulation of salvaged, diverted and prohibited waste within the facility. Maintain a regular schedule of removal of this material to an approved disposal site, or to the location of ultimate reuse.
7. ensure that dust, odor, noise, traffic, and other effects from the operation of the facility do not become a nuisance or hazard to the health, safety, or property of persons outside the landfill boundary.
8. ensure that landfill personnel screen the waste prior to burning to check for prohibited wastes. Ensure that landfill personnel receive adequate training in the identification of hazardous waste and prohibited waste. Maintain a record of the screening results, noting the date, inspector name, and what if any prohibited wastes were identified. These records

shall be maintained in the facility record.

9. report all spills or discharges of hazardous substances that occur at the landfill facility as described in 18 AAC 75, Article 3, or as revised or amended. Thoroughly clean all spills or discharges of hazardous substances as soon as practicable.
10. ensure medical waste is decontaminated, sterilized and packaged to prevent a health hazard or incinerated in a medical waste incinerator prior to disposal.
11. ensure that only one working face/dumping location for ash and unsalvageable materials is exposed at any one time, and that it be located at the current active cell.
12. manage the facility, and take reasonable steps to minimize vector attraction to the waste, so that disease vectors, wildlife, and domestic animals do not endanger public health or safety, or become harmed by having contact with the waste, or become a nuisance.
13. if vector attraction problems occur at the site, implement a vector control plan. This plan must be DEC and Department of Fish and Game approved.
14. prevent ponding in waste cell or over any waste disposal area, and implement a storm water management plan if ponding occurs. Conduct re-grading as needed.

## **B.2 WASTE HANDLING AND BURIAL**

The permit holder shall:

1. prohibit the disposal of raw sewage, contaminated soils, radioactive material, explosives, oil, solvents, strong acids, untreated sewage sludge, septage, asbestos, toxic substances and untreated medical waste, and other waste defined as hazardous under 18 AAC 60.910(28) at the facility unless specifically exempted in this permit.
2. prohibit disposal of lead-acid batteries in the landfill. Storage in a designated area in closed, leak-proof containers prior to transport to an acceptable recycle site is permitted.
3. prohibit disposal of contaminated soil which contains metals or other chemicals in concentrations which the Department determines poses an unacceptable risk to human health or the environment. Prohibit disposal of contaminated soils that exceed the applicable limits of 18 AAC 60.025.
4. prohibit the disposal of regulated asbestos or asbestos-containing material as defined under 18 AAC 60.990(108).



5. store waste prior to burial or burning in a safe and sanitary way that prevents a litter violation under AS 46.06.080, or polluted water runoff.
6. compact and cover all deposited waste with a minimum of 6 inches of soil as needed. Increase cover frequency if necessary to accommodate disposal volume increases or to control disease vectors, odors, fire, wildlife attraction, scavenging problems or blowing litter.
7. maintain adequate supplies of cover material.
8. ensure that solid wastes are not placed in or allowed to enter surface waters, ground water, and wetlands.
9. ensure that all non-salvageable drums, tanks, and other similar containers are empty of fluids and crushed to prevent voids in the fill. Properly dispose of any non-conforming drum or drum residue in accordance with all applicable State and Federal laws, including but not limited to, RCRA, the Clean Water Act, the Clean Air Act, Title 46 of Alaska Statutes, and 18 AAC 60.
10. ensure that no oily or hazardous waste is deposited in the landfill by requiring waste characterization records for any unknown waste. Copies of the waste characterization must be maintained in the facility record at the landfill.
11. ensure that scrapped vehicles and motorized equipment have been drained of all fluids and have lead-acid batteries removed prior to acceptance at the facility.
12. hold all vehicles and white goods containing refrigerants in a temporary storage area until a certified technician removes CFCs (chlorofluorocarbons). Refrigerators and freezers must have their doors removed before they can be stored or disposed, or the appliances must be stored in such a way as not to present an unreasonable health or safety hazard to people prior to disposal.
13. bury all animal carcasses and non-liquid seafood wastes with one foot of soil within 12 hours upon disposal at the facility or completely burn in incinerator.
14. apply an interim cover or final cover on a schedule as specified in the Closure Section of this permit.

### **B.3 BURNING**

The permit holder shall:

1. prohibit all burning within any waste disposal area of the facility. Open burning of municipal

waste is prohibited unless conducted in a Department approved burn box.

2. ensure that appropriate and immediate actions are taken to extinguish any uncontrolled fires that occur.
3. ensure that controlled burn operations are monitored at all times during the process and until ash is thoroughly cooled. Prohibit the placement of hot ashes or embers in waste cells.
4. prohibit black smoke.

#### **B.4 LITTER**

The permit holder shall:

1. keep the landfill facility and surrounding adjacent area free of litter by collecting all the litter as necessary and returning it to the working face for burial.
2. ensure that loads of ash and waste are covered for transport to landfill.

#### **B.5 SNOW CONTROL**

The permit holder shall:

1. remove snow from the active landfill disposal area as necessary to prevent ponding.
2. deposit any snow removed in an area away from the landfill waste cells and clean up any accumulated litter in that area after the snow melts.

#### **C. MONITORING, RECORDS, AND REPORTING**

1. The permit holder shall visually monitor the site each month for signs of damage or potential damage from settlement, ponding, erosion, leachate seeps, animal attraction and compliance with other permit conditions. Record the inspection results with the name of the inspector and date. Maintain the inspection results in the facility's operating record. These records must be made available for review upon request by Department staff during inspections.
2. Maintain a copy of the following records listed in Table A in the facility's operating record at the facility location for the active life and the post-closure period of the landfill. The records shall be made available to Department staff for review during facility inspections.

**Table A**

<b>RECORD KEEPING REQUIREMENTS</b>	<b>REGULATION CITATION:</b>
Permit application or permit	18 AAC 60.210
Operations & Maintenance Manual	18 AAC 60.210(b)(9)
Visual Inspections Records	18 AAC 60.210(b)(13)
Closure & post-closure plans & post-closure notation to deed (if applicable)	18 AAC 60.245 & 395(c)
Current site plan & cross sectional drawings of the landfill	18 AAC 60.210(b)(6)

**D. CORRECTIVE ACTION**

1. If a structural change or damage to the facility occurs, or a violation of a permit condition is discovered, or is pointed out during a department inspection, the permit holder shall take action to correct the change, damage, or violation to prevent the escape of waste or leachate, and to clean up any waste that may have been disposed of in a unauthorized manner as soon as practicable, but not longer than 90 days. If additional time is required, the Department must approve the extension in writing.
2. If the Department has evidence that Water Quality Standards (18 AAC 70) have been violated or if conditions at the facility are determined to likely result in harm to the public's health or the environment, the owner or operator shall sample and analyze any surface waters and/or groundwater that may indicate contamination has occurred. Indications of contamination may include, but will not be limited to, the visual presence of prohibited wastes, hazardous waste or potentially hazardous waste, surface staining, or a visually perceived degradation of water quality such as discoloration, sheen, or odor.
3. For purposes of this permit, contamination of surface water and/or ground waters shall be defined as any of the following:
  - a. groundwater and/or surface water contaminant levels exceeding levels specified in Water Quality Standards (18 AAC 70), except those parameters documented as having natural background levels already exceeding these limits;

- b. sudden, abrupt, or significant increases in any one or more pollutants which are attributable to site operation regardless of the listed Maximum Contaminant Levels; or
- c. statistically significant change over background levels.

#### **E. SITE (FACILITY) CLOSURE**

The permit holder shall:

1. ensure that final cover is placed within ninety (90) days after the last waste is deposited in a waste cell. Final cover must have a minimum of eighteen inches of compacted soil with a 6-inch top layer consisting of soil adequate to allow for successful vegetation of the site with native vegetation.
2. ensure that the final cover is graded and maintained to prevent ponding and erosion. Maintain drainage ditches and berms to minimize the amount of water entering the facility.
3. develop a vegetative cover within the first growing season after closure of each disposal unit in the landfill facility.
4. upon completion of final closure of landfill, establish permanent markers or survey monuments at each corner of the landfill facility boundary.
5. have a representative familiar with the closure requirements for the facility inspect closure activities. Written verification in the form of a notarized statement must be submitted, signed by the permit holder within 30 days of the final closure action, stating that the closure/capping of the landfill was done on \_\_\_\_\_(date (s)) in accordance with the permit conditions and solid waste regulations, under supervision of \_\_\_\_\_(name), signature\_\_\_\_\_.
6. prepare a survey as-built or record drawings showing the location and volume of waste deposited at the solid waste disposal site and file those records with the Department's Anchorage Solid Waste Program Office.
7. file the survey as-built or record drawings of the area used as a landfill with an appropriate land records office within sixty (60) days after the final closure of the site and submit proof of such recording to this Department.

#### **F. POST-CLOSURE**

1. Conduct annual visual monitoring that at a minimum will check for erosion, subsidence, and seepage of all cells. Re-grade and fill areas of the closed cells that have eroded, settled, or subsided in order to maintain the integrity and effectiveness of the final cover.

2. All post-closure activities shall be conducted for a minimum of 60 consecutive months following final capping of the waste cells. The Department may extend the period as necessary to protect public health and the environment.

### **III. GENERAL PERMIT CONDITIONS**

#### **A. Access and Inspection**

The permittee shall allow the Commissioner or his/her representative access to the permitted facilities at reasonable times to conduct scheduled or unscheduled inspections or tests to determine compliance with this permit, State laws, and regulations.

#### **B. Information Access**

Except for information relating to trade secrets, submitted under a claim of confidentiality, and for which the Department has determined in writing that protection from disclosures appropriate, all records and reports submitted in accordance with the terms of this permit shall be available for public inspection at the State of Alaska Department of Environmental Conservation, Anchorage Office, 555 Cordova Street, Anchorage, Alaska 99501.

#### **C. Civil and Criminal Liability**

Nothing in this permit shall relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, including, but not limited to, accidents, equipment breakdowns, or labor disputes.

#### **D. Availability**

The permittee shall post or maintain a copy of this permit available to the public at the disposal facility.

#### **E. Adverse Impact**

The permittee shall take all necessary means to minimize any adverse impacts to the receiving waters or lands resulting from noncompliance with any limitation specified in this permit, including any additional monitoring needed to determine the nature and impact of the noncomplying activity. The permittee shall cleanup and restore all areas adversely impacted by the noncompliance.

#### **F. Cultural or Paleontological Resources**

Should cultural or paleontological resources be discovered as a result of this activity, work which would disturb such resources is to be stopped, and the State Historic Preservation Office, Division

of Parks and Outdoor Recreation, Department of Natural Resources, is to be notified immediately (907-269-8721).

G. Applications for Renewal

Applications for renewal or amendment of this permit must be made no later than 30 days before the expiration date of the permit or the planned effective date of the amendment.

H. Other Legal Obligations

The requirements, duties, and obligations set forth in this permit are in addition to any requirements, duties, or obligations contained in any permit that the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency has issued or may issue to the permittee. This permit does not relieve the permittee from the duty to obtain any and all necessary permits and to comply with the requirements contained in any such permit or with applicable state and federal laws and regulations. All activities conducted by the permittee pursuant to the terms of this permit and all plans implemented by the permittee pursuant to the terms of this permit shall comply with all applicable state and federal laws and regulations.

I. Pollution Prevention

In order to prevent and minimize present and future pollution, when making management decisions that affect waste generation, the permittee shall consider the following order of priority options: waste source reduction; recycling of waste; waste treatment; and waste disposal.